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REMARKS

Claims 1-5, 7, 8-16, and 18-26 are pending in the application upon entry of the amendments and new claims. Claims 1, 21 and 23 have been amended to better describe the invention. Claims 2, 7, 18, and 20 have been amended to dependent from allowed claim 9. Favorable reconsideration in light of the amendments and the remarks which follow is respectfully requested.

The Amendments and Allowable Subject Matter

The Examiner's Indication that claims 9-14 contain allowable subject matter is noted with appreciation. Since claims 2, 7, 18, and 20 have been amended to depend, directly or indirectly, from claim 9, claims 2, 7, 18, and 20 also contain allowable subject matter.

Rejection of Claims 1-5, 7-8, 15-16, 18-19, and 21-24 Under 35 U.S.C. §102(b) over Aston

Claims 1-5, 7-8, 15-16, 18-19, and 21-24 have been rejected under 35 U.S.C. §102(b) as being anticipated by Aston (US Patent No. 2,82,891). The rejection of claims 2-5, 7-8, and 18-19 is rendered moot since claims 2-5, 7, and 18-19 depend, directly or indirectly, from allowed claim 9 and claim 8 has been canceled. The Applicants respectfully request withdrawal of the rejection of claims 1, 15-16, and 21-24 for at least the following reasons. Aston does not disclose each and every feature of claimed invention.

In order to establish anticipation, each and every feature as set forth in the claim must be disclosed, either expressly or inherently, in a single cited art document.

Aston fails to disclose a composition consisting of a combination of dry metal chlorite and dry solid inorganic hydrophilic material, as required in independent claims 1, 21, and 23. Aston relates to a chlorine dioxide generating composition. Aston's composition contains a solid organic acid anhydride in the composition. Aston expressly states: "My composition is a solid mixture in which the active ingredients are a

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salt of chlorous acid and a solid organic acid anhydride" (Col. 1, lines 8-10 of Aston). Aston does not disclose a composition consisting of a combination of dry metal chlorite and dry solid inorganic hydrophilic material, as required in the claims.

The Examiner contends that the composition of Example II of Aston contains calcium chloride, and the calcium chloride is considered as a hydrophilic salt. Even assuming that the calcium chloride is a hydrophilic salt, however, Aston does not disclose a composition consisting of a combination of dry metal chlorite and dry solid inorganic hydrophilic material, as required in the claims because Aston requires a solid organic acid anhydride in the composition. The solid organic acid anhydride of Aston is fundamentally different from the inorganic hydrophilic material required by the claims.

Since Aston fails to disclose each and every feature of claims 1, 21, and 23, Aston cannot anticipate the claims. Withdrawal of the rejection is respectfully requested.

Rejection of Claims 1-5, 7, 15, 16, and 18-24 Under 35 U.S.C. §103(a)

Claims 1-5, 7, 15, 16, and 18-24 have been rejected under 35 U.S.C. §103(a) as being obvious over Aston. The rejection of claims 2-5, 7-8, and 18-19 is rendered moot since claims 2-5, 7, and 18-19 depend, directly or indirectly, from allowed claim 9. The Applicants respectfully request withdrawal of the rejection of claims 1 and 21-24 for at least the following reasons. Aston does not teach or suggest all features of the claimed invention.

To reject claims in an application under §103, an examiner must establish a prima facie case of obviousness. A prima facie case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the cited art or in the knowledge generally available to one of ordinary skill in the art, to modify or combine cited art teachings. Second, there must be a reasonable expectation of success. Finally, the cited art must teach or suggest all the claim features. See MPEP §706.02(j).

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In addition, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the cited art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As discussed in the previous section, Aston does not disclose each and every feature of the claims. In particular, Aston does not teach or suggest a composition consisting of a combination of dry metal chlorite and dry solid inorganic hydrophilic material. Aston requires a solid organic acid anhydride. Aston does not only fail to teach or suggest all features of the claims, but Aston in fact teaches away from the claimed invention.

Moreover, please note that claim 8 was not rejected over Aston under 35 U.S.C. §103(a) on page 4 of the Office Action dated June 14, 2006. Since claims 1, 21, and 23 have been amended to incorporate the subject matter of claim 8, it is respectfully submitted that claims 1, 21, and 23 should not be rejected over Aston as the same reason that claim 8 was not rejected in the previous Office Action.

Conclusion

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

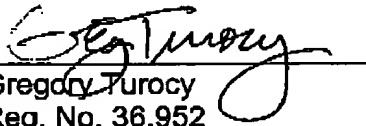
Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

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In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 50-1063.

Respectfully submitted,
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